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E.O. 12958: DECL: 07/21/2033  
TAGS: [PARM](#) [ETTC](#) [CBW](#) [PINR](#) [IN](#) [GM](#)  
SUBJECT: GERMANY REQUESTS IMMEDIATE GUIDANCE ON AUSTRALIA  
GROUP LISTED GOODS EXPORT REQUEST

REF: HARTELL-PETERSEN EMAIL - 7/18/2008

Classified By: Global Affairs Unit Chief Don L. Brown for  
reasons 1.4 (b) and (d).

11. (U) THIS IS AN ACTION REQUEST. PLEASE SEE PARA 4.

12. (S) MFA Export Control Division Desk Officer Nancy Reck provided Global Affairs Officer July 18 with a nonpaper requesting further information and guidance regarding a German export license request concerning Australia Group (AG)-listed goods to the Indian company United Phosphorus Ltd. Reck stated, based on a comprehensive interagency investigation into the bona fides of United Phosphorus Ltd, German intelligence authorities have concluded that there is no proliferation concern in connection with this export license request. Reck said the GoG is interested in any information the USG could share regarding United Phosphorus Ltd. proliferation concerns, specifically in connection with a USG export denial in 2007. Reck emphasized that a prompt response (July 31) to this information request is paramount and in the absence of further information BAFA is inclined to approve this export request.

13. (S) Begin German nonpaper:

In accordance with the "no undercut policy" of the Australia Group (AG), we would like to consult with the US government in the following matter:

A German company has applied for an export permit for the delivery of one pump and four valves which are controlled by the Australia Group (listed under C2B350i and C2B350g of the EG Dual Use Regulation). The stated end-user is the Indian company United Phosphorus Ltd., Plot No. 750, P.B. No. 9, Unit No. 6, GIDC Estate, Jhagadia, Bharuch (Gujarat), stated end-use is POC13 service (extraction and regulation of phosphorus oxychloride). The quantity and the use of the goods quoted in the application are plausible from a technical point of view.

The USG has issued denials which are relevant both with regard to the goods (pump) and the end-user (AG-US 07-076 and AG-US 03-061). As far as we know, there is no information other than the USG denials relating the end-user to proliferation activities.

We have already consulted the USG regarding denial AG-US 03-061 in 2003 and 2005. On the basis of information already provided from your side and in view of the current application, we would be grateful for background information on your 2007 denial as follows:

-- Is denial AG-US 07-076 based on new information or on current proliferation activities of United Phosphorus, other than activities you stated in the 1980s and 1990s?

-- Do you still see a current proliferation relevant connection between United Phosphorus and Syria or other countries of concern?

A reply by July 31, 2008 would be much appreciated.

¶4. (SBU) ACTION REQUEST: Post requests Department guidance in responding to the questions posed in the German nonpaper.  
TIMKEN JR